United Nations A/HRC/WG.6/31/CAF/2

General Assembly

Distr.: General
3 September 2018
English
Original: English/French

Human Rights Council
Working Group on the Universal Periodic Review
Thirty-first session
5–16 November 2018

Compilation on the Central African Republic

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a compilation of information contained in reports of treaty bodies and special procedures and other relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with international human rights mechanisms and bodies[1, 2]

2. Treaty bodies recommended ratifying the Optional Protocol to the Convention on the Rights of the Child on a communications procedure,[3] the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,[4] the United Nations Convention against Transnational Organized Crime and the protocols supplementing that Convention.[5]

III. National human rights framework[6]

3. In 2014, the Committee on the Elimination of Discrimination against Women was concerned at the widespread insecurity,[7] the grave and systematic human rights violations by armed groups, the quasi-collapse of the State — including the judiciary and the education and health systems[8] — and the urgent humanitarian situation.[9] In 2017, the Committee on the Rights of the Child stated that the instability and insecurity warranted the continuing need for a United Nations peacekeeping presence.[10]

4. In February 2018, the Secretary-General of the United Nations noted signs of political progress in the country, including steps to strengthen State authority in the prefectures, enhance cooperation between national institutions and lay the foundation for a more comprehensive political process. That progress was marred, however, by continued violence in some parts of the country, as well as by chronic weaknesses in the functioning

of State institutions, which undermined the effective deployment of the State's architecture beyond Bangui.[11]

5. In 2017, the Independent Expert on the situation of human rights situation in the Central African Republic indicated that without a cessation of hostilities and without the disarmament, demobilization, repatriation and reintegration of the armed groups, it would be unrealistic to expect measures to promote the rule of law, justice and economic recovery to have any real impact.[12] The Committee on the Elimination of Discrimination against Women urged the country to support initiatives to achieve peace and security, to rebuild State institutions, including the national security forces and the judiciary,[13] and to fulfil the urgent humanitarian needs of the population.[14]

6. In 2017, the Committee on the Rights of the Child welcomed the adoption in 2016 of the new Constitution.[15]

7. In 2018, the Committee on Economic, Social and Cultural Rights welcomed the 2017 promulgation of the Act establishing the National Commission on Human Rights and Fundamental Freedoms, and noted that necessary funding should be allocated to allow it to function effectively.[16]

8. The Committee on the Elimination of Discrimination against Women recommended repealing all discriminatory provisions of the Family Code and finalizing the adoption of the new Family Code.[17]

9. The Committee on the Rights of the Child recommended adopting the draft law on the protection of the child in full alignment with the Convention on the Rights of the Child.[18] It also encouraged the country to develop a comprehensive policy and an implementing strategy, to address children's rights.[19]

IV. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

1. Equality and non-discrimination

10. The Committee on the Rights of the Child was concerned about the persistent discrimination in practice against children, based on religious affiliation, and vulnerable groups, including children accused of witchcraft.[20] The Committee on Economic, Social and Cultural Rights recommended that the Central African Republic adopt a general law against discrimination covering all aspects of the Covenant.[21]

2. Development, the environment, and business and human rights

11. The Committee on the Rights of the Child was concerned about the impact of the business sector, in particular mining and agriculture, on children's rights, and recommended establishing and implementing the relevant regulations.[22]

B. Civil and political rights

1. Right to life, liberty and security of person[23]

12. The Secretary-General noted continuous violations and abuses committed by armed groups and internal security forces. In 2017, the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA) documented a net increase in the number of human rights abuses and violations of human rights and international humanitarian law affecting numerous victims, including women and children, as compared to 2016.[24]

13. The Independent Expert noted that human rights violations and abuses, most of them perpetrated by ex-Séléka and anti-Balaka armed groups, included thousands of killings, acts of torture and inhuman or degrading treatment, sexual violence, sexual slavery, forced marriage, abductions, deprivation of liberty and arbitrary arrest, extortion and looting, recruitment and exploitation of children, the occupation of schools and health centres and attacks on them, and denial of humanitarian assistance.[25]

14. The Secretary-General regretted that in the absence of an effective State authority in most parts of the country, armed groups and self-defence militia continued to prey on communities, compete for control over land and resources, hinder aid delivery to those in need and prevent economic drivers, such as seasonal transhumance, from benefiting all Central Africans. These trends presented an untenable situation, with the potential to further destabilize the country and diminish the gains made since the end of the transition.[26]

15. In 2017, the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination expressed concern at the possibility of another armed conflict, if mercenarism, foreign-armed actors and local armed groups were not effectively dismantled and suppressed.[27]

16. The Office of the United Nations High Commissioner for Refugees (UNHCR) indicated that conflict-related sexual violence, although a major concern, remained largely underreported. It also regretted serious abuses against persons accused of witchcraft, mostly older persons, women and children.[28]

17. The Independent Expert expressed concerned at the lack of detention facilities outside Bangui, and at the extremely poor conditions of detention, due in particular to a lack of food and prison overcrowding.[29] The Committee on the Elimination of Discrimination against Women recommended rebuilding prison infrastructure.[30]

2. Administration of justice, including impunity, and the rule of law[31]

18. The Committee on the Elimination of Discrimination against Women was concerned about the collapse of the judiciary, the prevalence of impunity, the lack of infrastructure for courts and the lack of security at courts for judges, victims and witnesses. It recommended restoring and strengthening the justice system, rebuilding the court infrastructure, and cooperating with the international commission of inquiry.[32] It also recommended that the country urge the International Criminal Court to open investigations into crimes committed by all parties, in the light of the national courts' inability to carry out the necessary proceedings.[33]

19. The Secretary-General[34] noted commendable progress in deploying the new prefectural administration, and that the Government and National Assembly had established constructive working relations.[34] He also noted significant steps taken in the fight against impunity, particularly through the resumption of criminal sessions in the Bangui and Bouar Courts of Appeal; and progress in arrests and investigations against suspected perpetrators of serious crimes. In January 2018, at the third criminal session of the Bangui Court of Appeal organized since 2015, for the first time, several members of armed groups had been convicted.[35]

20. The Committee on the Rights of the Child welcomed the Special Criminal Court created in 2015, mandated to judge serious human rights violations committed since 2003.[36] UNHCR indicated that the work of the Court will be supported by a mapping report covering human rights violations in the country between 2003 and 2015, drafted by the Office of the United Nations High Commissioner for Human Rights and MINUSCA.[37]

21. The Committee on the Rights of the Child remained concerned about the detention and imprisonment of children with adults and the lack of rehabilitation and reintegration services. It urged the Central African Republic to bring its juvenile justice system fully into line with relevant standards.[38]

22. In February 2018, the Independent Expert was glad at encouraging signs of the judicial fight against impunity, including the conviction of the former militia leader known as General Andjilo, and the imminent launch of human rights investigations by the new Special Criminal Court.[39] He recommended that the Government cooperate with the Special

Prosecutor of the Court in order to ensure that perpetrators and instigators of and accomplices to the most serious international crimes were put on trial without delay.[40] The Secretary-General encouraged Member States to maintain their support and funding for the Court at this crucial juncture.[41]

23. The Committee on the Elimination of Discrimination against Women recommended the establishment of a screening and vetting system to exclude perpetrators of human rights violations from the national security and defence forces.[42]

24. The same Committee also recommended establishing a reconciliation commission and a permanent dialogue commission, and ensuring that their mandates included women's rights.[43] The Independent Expert invited the national authorities, civil society and their partners to look into a road map on transitional justice that took account of economic crimes.[44] In March 2018, the Assistant Secretary-General for Human Rights encouraged the national authorities to initiate consultations with the population and with Central African refugees on the mandate of the truth and reconciliation commission.[45]

25. The Independent Expert recommended that the Government refrain from granting amnesty to those responsible for serious crimes under international law, or serious human rights violations, and reaffirm the rights of victims to know the truth and to redress and reparation.[46]

26. The Committee on the Elimination of Discrimination against Women considered the lack of good governance as one of the root causes of the continuing conflict in the country,[47] and the social and economic inequalities and predation by State authorities and armed groups.[48]

27. In May 2018, the Committee on Economic, Social and Cultural Rights was concerned at the generalized corruption that prevailed in the country, which deprived it of the resources it needed to implement the Covenant rights, and at the state of impunity enjoyed by those responsible. The Committee recommended that the Central African Republic guarantee transparency and traceability in the management of revenues, and allocate the High Authority in charge of good governance the resources it needed to fulfil its mandate effectively.[49]

3. Fundamental freedoms and the right to participate in public and political life[50]

28. In 2018, the United Nations High Commissioner for Human Rights expressed deep alarm at the volatile situation in the Central African Republic, particularly given the worrying hate speech and incitement to violence on the basis of religion.[51] The Secretary-General noted that incendiary rhetoric, ethnic stigmatization and religious manipulations continued to play an inflammatory role in national politics and the media, creating an environment in which the risk of inter-ethnic strife remained high.[52] According to the Working Group on mercenaries, robust efforts were necessary to combat hate speech and intolerance within local media outlets. In the Working Group's opinion, promoting human rights standards by building the capacity of the local media could assist in countering hate speech.[53]

29. The Committee on Economic, Social and Cultural Rights was concerned at the presence of barriers to the exercise of freedom of expression for journalists.[54] The United Nations Educational, Scientific and Cultural Organization (UNESCO) recommended that the Government ensure the safety of journalists and continue to investigate the cases of journalists who had been killed, while taking advantage of the United Nations Plan of Action on the Safety of Journalists and the Issue of Impunity.[55]

30. UNESCO recommended decriminalizing the defamation law and incorporating it fully into the Civil Code in accordance with international standards.[56]

31. UNESCO also recommended introducing a freedom of information law in accordance with international standards.[57]

4. Prohibition of all forms of slavery

32. The Committee on the Elimination of Discrimination against Women was concerned about the persistence of the practice of enslaving indigenous people, and recommended adopting the bill to protect indigenous peoples against slavery and ensuring its effective implementation.[58]

33. The Committee on the Rights of the Child was concerned that children, particularly pygmy children and girls, were trafficked for forced labour in mining, agriculture, domestic servitude, child marriage and sexual exploitation. It recommended promptly investigating and prosecuting cases of child trafficking, and providing related training to judicial and law enforcement officials.[59] The Committee on Economic, Social and Cultural Rights recommended that the Central African Republic ensure the protection of those children and that, in future, it step up inspections of the above-mentioned activities.[60] The Committee on the Elimination of Discrimination against Women recommended the development of a strategy to combat trafficking and forced prostitution and to address its root causes.[61] The Committee on the Rights of the Child recommended reviewing the minimum age for work and eliminating the worst forms of child labour, by effectively implementing the Labour and Mining Codes.[62]

C. Economic, social and cultural rights

1. Right to work and to just and favourable conditions of work

34. The Independent Expert was concerned that many young people had been pushed towards armed groups by joblessness and a lack of economic prospects. In her opinion, there was a need to work on youth employment policies that would offer job opportunities.[63] The Committee on the Elimination of Discrimination against Women recommended the development of employment strategies that promoted gender equality.[64]

2. Right to an adequate standard of living

35. The Committee on Economic, Social and Cultural Rights regretted that the country ranked last on the scale of the Human Development Index and that 2.5 million people were in need of humanitarian assistance, while only 39 per cent of the necessary funding had been found for the proposed humanitarian response plan.[65] The Committee on the Rights of the Child was concerned about the persistently very high level of poverty.[66]

36. According to the Secretary-General, insecurity and recurrent displacement had led to a 58 per cent decline in crop production, increased food prices and an elevated risk of malnutrition. He noted that every second person in the country was in a food-insecure situation. The sanitary environment was also of concern, as 70 per cent of households were without access to drinking water, and 80 per cent lived without latrines.[67] The Committee on the Elimination of Discrimination against Women urged the country to create the conditions for agricultural activity to recover.[68]

37. The Independent Expert noted that basic social services were non-existent or largely insufficient outside Bangui because of the security situation.[69] In addition, in 2017, 14 aid workers were killed, making the country one of the most dangerous places for humanitarian work worldwide. Conflict between armed groups and lack of infrastructure had significantly restricted humanitarian access.[70]

38. UNHCR noted with concern that the crisis had resulted in the widespread looting and destruction of homes and the illegal occupation of land that were left behind by people fleeing widespread violence. Attempts to restore rights to housing, land and property were further complicated by the outdated and incomplete legal framework relating to land ownership and eviction, and the fact that many individuals did not have valid documents to prove ownership of their land or dwellings. Women, in particular, suffered from discriminatory ownership and inheritance practices. UNHCR recommended to review the national legal framework on housing, land and property issues and develop and apply related strategies.[71]

3. Right to health[72]

39. The Committee on Economic, Social and Cultural Rights was concerned at the insufficiency and further lowering of health expenditure, the rate of prevalence of HIV/AIDS, and the difficulties of access for women and girls to reproductive and sexual health care.[73] The Committee on the Elimination of Discrimination against Women noted that the destruction of health centres and the looting of medical equipment and medicines during the conflict had further undermined the already weak health system.[74]

40. The Secretary-General noted that the maternal mortality rate of 882 per 100,000 live births and the under-five child mortality rate of 13 per cent illustrated the critical health situation.[75]

41. The Committee on Economic, Social and Cultural Rights recommended that the Central African Republic implement the 2017–2027 plan for the construction, rehabilitation and equipment of sanitary facilities, take every possible measure to protect sanitary installations and medical, including humanitarian, personnel against looting and attacks, and consider the reopening of health-care centres and hospitals. The Committee also recommended that the country increase health expenditure, implement the 2017–2021 strategic plan for the development of human resources for health, and facilitate access to reproductive and sexual health information and services.[76]

4. Right to education[77]

42. UNESCO regretted that numerous children had been denied access to education owing to the closure of schools, which had been systematically looted and destroyed or occupied during the conflict, in spite of the endorsement in June 2015 of the Safe Schools Declaration.[78] According to the Secretary-General, at the end of 2017, 500 schools were closed, with particularly dire situations in Basse-Kotto, Haute-Kotto, Haut-Mbomou and Mbomou prefectures where nearly all schools were closed.[79]

43. UNESCO recommended that the Central African Republic take the necessary measures to deter the use of schools by parties to conflict, including by following the Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict.[80]

44. According to UNESCO, after many years there was still a critical shortage of teachers, and this was having a detrimental impact on the quality of education.[81] The Committee on Economic, Social and Cultural Rights was concerned at the murders of teachers by armed groups.[82] UNESCO recommended that the Central African Republic carry out a teacher recruitment and training programme[83] to enhance the status and appeal of the teaching profession.[84]

45. UNESCO stated that very few primary and secondary schools were connected to the electricity grid and that, in 2014, only 25 per cent of schools had had access to drinking water. Furthermore, there were on average 99 students per classroom and one reading book for every eight children, as well as a lack of separate toilets for boys and girls.[85] UNESCO added that access to education was still restricted owing to a failure to enforce the constitutional principle of free education.[86]

46. The Committee on Economic, Social and Cultural Rights was concerned at the very high illiteracy rate, particularly among women and girls, indigenous populations and in rural areas; at the low rate of enrolment in schools and the high dropout rate, particularly among girls; and at the obstacles faced by demobilized child soldiers in accessing education or professional or vocational training.[87] The Committee recommended that the Central African Republic give priority to education and the rehabilitation of the educational system in its peace and reconciliation initiatives; take the necessary measures to ensure universal, free educational coverage, especially among the most marginalized and deprived populations; firmly address the causes of dropout; and ensure that demobilized child soldiers were able to have access to education.[88] UNESCO recommended that the Central African Republic introduce a system of social benefits for the poorest households to guarantee equal access to education.[89]

47. The Committee on the Elimination of Discrimination against Women appreciated the National Action Plan for Education for All (2003–2015).[90] UNESCO recommended that the Central African Republic adopt an inclusive education policy, focusing particularly on girls, children with disabilities and indigenous children,[91] and sustainably restore access to education, particularly for internally displaced children, by offering non-formal education programmes.[92]

D. Rights of specific persons or groups

1. Women[93]

48. The Committee on the Elimination of Discrimination against Women was concerned about the large and increasing number of acts of rape and other forms of sexual violence against women perpetrated by armed combatants and civilians; the stigmatization of victims of rape; and the forced recruitment of women and girls, sexual slavery and forced marriages, perpetrated by armed groups.[94] According to UNHCR, 40 cases of rape were being reported every day. In 2017, 4,417 cases were reported to UNHCR and partners. The majority of victims of sexual and gender-based violence were internally displaced persons.[95] According to the Independent Expert, the true number is likely to be higher, as victims are reluctant to report such crimes because of fear of stigma or reprisals, and because of the lack of security.[96] The disintegration of the judicial system and cases of sexual exploitation and abuse committed by United Nations peacekeepers and non-United Nations international forces have contributed to a climate of widespread impunity and the absence of protective measures to separate victims of sexual and gender-based violence from perpetrators.[97] UNHCR indicated that underreporting had also been compounded by a lack of trust in or access to the judiciary, and the absence of State authorities across the country.[98]

49. The Committee on Economic, Social and Cultural Rights was also concerned at the insufficiency of protection measures and adequate assistance for victims of sexual violence outside the areas under the control of the State party.[99]

50. The Committee on the Elimination of Discrimination against Women noted that the stagnation of the efforts to eliminate discrimination against women before the conflict had contributed to the exacerbation of discrimination and violence against women and girls in the country by all parties to the conflict.[100]

51. The same Committee recommended that the country investigate, prosecute and punish all cases of violence against women; protect from reprisals women and girl victims seeking access to justice; and ensure their access to medical treatment, psychosocial support and adequate compensation.[101] UNHCR recommended ratifying the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (the Maputo Protocol), adopting a legal aid law to provide legal assistance to victims of crime, including survivors of sexual violence, and developing and implementing a national strategy on sexual violence, including conflict-related sexual violence.[102] The Committee on the Elimination of Discrimination against Women also recommended ensuring to women victims of rape access to health-care and psychosocial services.[103]

52. The Committee on the Elimination of Discrimination against Women was concerned at the persistence of harmful practices against women, including female genital mutilation, widowhood rites, levirate and sororate, notwithstanding the existence of legal provisions against them.[104] The Committee on the Rights of the Child regretted the inadequate provision of medical services to child victims of female genital mutilation and sexual and gender-based violence.[105] The Committee on the Elimination of Discrimination against Women recommended the effective implementation of the national action plan addressing harmful traditional practices and gender-based violence.[106] It also recommended the prohibition of polygamy in the new Family Code.[107] The Committee on the Elimination of Discrimination against Women recommended adopting legal provisions criminalizing marital rape.[108]

53. The Committee on the Elimination of Discrimination against Women was concerned about the criminalization of witchcraft and "popular justice" against women perceived as witches.[109] The Independent Expert reiterated her recommendation to prosecute and punish all perpetrators of violations against persons accused of witchcraft, and to carry out related awareness-raising campaigns.[110] The Committee on the Elimination of Discrimination against Women made similar recommendations.[111]

54. The Committee on the Rights of the Child and the Committee on the Elimination of Discrimination against Women were concerned about the prevalent stereotypes concerning the roles of women and girls,[112] and the latter Committee was concerned about the low level of participation of women in Parliament and in political and public life, particularly in decision-making positions.[113] The Committee on Economic, Social and Cultural Rights welcomed the promulgation of a parity law in 2016, introducing a quota system of 35 per cent for 10 years.[114]

55. The Committee was concerned at the fact that article 252 of the Labour Code might result in unequal treatment between men and women. It recommended that the State party amend article 252 of the Labour Code to combat segregation at work and gender stereotypes.[115]

2. Children[116]

56. The Committee on the Rights of the Child was deeply concerned that the recurrent fighting between armed groups resulted in serious violations of children's rights including killing and maiming, recruitment, sexual violence and abuse, and denial of access to health and educational services and to humanitarian assistance. It noted the reported 10,000 children recruited by armed groups since the outbreak of the latest armed conflict.[117]

57. According to UNHCR, boys as young as eight have reportedly been used as combatants, guards, messengers, informants and cooks, while girls are used as sex slaves — despite the agreement signed on 5 May 2015 by 10 armed groups. UNHCR was also concerned at information about an undetermined number of children operating checkpoints and barricades. On several occasions, suspected anti-Balaka elements had used children as shields. Finally, village self-defence units also used children as lookouts and porters. As they remain unreported, child casualties are extremely difficult to calculate. Children are also targeted by armed groups and are brutally assaulted by machete, firearms and other weaponry on the basis of their religious affiliation.[118]

58. In 2018, while welcoming the release of thousands of children from the ranks of armed groups, the Special Representative of the Secretary-General for Children and Armed Conflict expressed concern at continued grave violations against children committed in the Central African Republic, mainly by armed groups, and urged armed groups to take immediate action and engage with the United Nations to develop and implement action plans to prevent such violations.[119]

59. The Committee on the Rights of the Child urged the country to investigate allegations of grave and systematic violations against children perpetrated by any party to the conflict and bring perpetrators to justice,[120] to implement effectively the peace agreements, to criminalize the recruitment and use of children in hostilities and promptly investigate and prosecute perpetrators, and to develop a national strategy for the disarmament, demobilization and reintegration of children associated with armed groups.[121] It also urged the country to identify children who may have been or are at risk of being recruited and/or used in hostilities and/or sexually abused by armed groups.[122] UNHCR recommended that the country continue to work with the United Nations and child protection agencies to develop community-based approaches to child disarmament, demobilization and reintegration.[123] In that regard, the Committee on Economic, Social and Cultural Rights recommended that the Central African Republic provide appropriate psychological support to children who had been removed from armed groups.[124] The Special Representative of the Secretary-General for Children and Armed Conflict highlighted the need to raise funds for reintegration programmes for children released from armed groups.[125]

60. The Committee on the Rights of the Child was concerned about conflict-related sexual violence, exploitation and abuse of children by all parties to the conflict, including international military forces present as part of peacekeeping operations, and about girls increasingly being forced into transactional sex, also known as "survival sex".[126] In 2015, the Secretary-General advised that in response to those allegations, MINUSCA had repatriated the peacekeepers involved in the case, had reiterated the Organization's zero-tolerance policy, and had reinforced preventive measures, including conducting regular spot checks of areas and places conducive to sexual misconduct.[127] The Committee also urged the country to prosecute perpetrators, while guaranteeing victim and witness protection measures.[128] In the context of peacekeeping operations, it recommended including, in the status-of-forces agreements with troop- and police-contributing countries, provisions guaranteeing their unconditional national responsibility to investigate and prosecute their security forces operating in the Central African Republic where there were allegations of sexual exploitation and abuse of children, as well as a provision allowing prosecution by the Central African Republic when the contributing country was unable or unwilling to take action.[129]

61. The same Committee was concerned that children with albinism, children with disabilities and children accused of witchcraft might be subject to violent rituals amounting to torture, to cruel, inhuman or degrading treatment, or to kidnapping, and that might even result in death, and might also be expelled from their families and communities. It urged the country to protect such children, and to promptly investigate and prosecute in cases where incidents such as those mentioned above occurred.[130] It also urged the country to issue guidance to the police on the right of children to freedom from violence, and to investigate reported cases of police torture of children,[131] and recommended addressing the situation of children in street situations.[132]

62. Concerned at the extremely high levels of violent "disciplining" of children, the same Committee recommended prohibiting corporal punishment in all settings, in the draft law on the protection of the child.[133]

63. The same Committee,[134] and the Committee on the Elimination of Discrimination against Women,[135] were concerned at the high prevalence of child and forced marriage. The Committee on the Rights of the Child recommended enforcing the minimum age of marriage at 18 without exception,[136] and reviewing article 105 of the Family Code to allow girls to file a legal complaint against their kidnapper or abductor, including when married to him.[137] The Committee on the Elimination of Discrimination against Women also recommended repealing the legal provisions of the Family Code enabling child marriage in cases where authorization has been granted by the persons exercising parental authority.[138] The Committee on Economic, Social and Cultural Rights recommended that the Central African Republic conduct awareness campaigns against early marriage.[139]

3. Persons with disabilities

64. The Committee on the Rights of the Child and UNESCO were concerned that most children with disabilities did not attend school.[140] The Committee on the Rights of the Child noted that pervasive poverty and the armed violence had exacerbated their discrimination and exclusion. It was also concerned at the increased number of children with impairments due to the armed conflict, and it urged the country to adopt a human rights-based approach to disability and recommended enhancing the social inclusion of children.[141]

65. The Committee on Economic, Social and Cultural Rights was concerned at the possibility suggested in article 269 of the Labour Code that the pay of persons with disabilities may be reduced on account of lower output.[142] The Committee recommended that the State party address the issue of the rights of persons with disabilities in its peace and reconciliation initiatives; revise article 265 of the Labour Code in order to ensure that persons with disabilities enjoy equal pay for work of equal value; and ensure the effective application of regulations on employment quotas for persons with disabilities.[143]

4. Minorities and indigenous peoples

66. The Committee on Economic, Social and Cultural Rights was concerned at the persistent marginalization, poverty and extreme vulnerability of indigenous populations (Mbororo and Baka), who continued to meet with considerable obstacles to the enjoyment of their rights under the Covenant, a situation that had worsened as a result of the situation of conflict. In particular, the Committee noted that those populations were employed in precarious and underpaid jobs, particularly in agriculture, and were sometimes reduced to slavery by other local ethnic groups. The Committee was also concerned at their weak representation and participation in political and public affairs.[144] UNESCO noted that Pygmy children still had very limited access to education, since 9 out of 10 Pygmies aged 10 or above were unable to read or write in any language.[145] The Committee on Economic, Social and Cultural Rights recommended that the Central African Republic combat discrimination against and the marginalization of indigenous populations and strengthen their protection in the framework of the conflict, and that it adopt a national strategy to promote and protect the rights of indigenous populations, with the participation of the communities concerned.[146] The Committee on the Rights of the Child recommended adoption of the draft law implementing the Indigenous and Tribal Peoples Convention, 1989 (No. 169) of the International Labour Organization.[147]

5. Migrants, refugees, asylum seekers and internally displaced persons[148]

67. The Secretary-General was concerned that there were over 688,000 internally displaced persons in the country in 2017 — a 70 per cent increase in one year. The number of refugees had increased by 26 per cent, surpassing 545,000 refugees in neighbouring countries. Thus, by the end of 2017, as a consequence of the conflict, 1.24 million people — the highest number yet recorded — had been forcibly displaced, either as refugees or as displaced persons.[149]

68. The Committee on the Elimination of Discrimination against Women expressed concern at the attacks perpetrated against camps for internally displaced persons.[150]

69. The Committee on Economic, Social and Cultural Rights recommended that the Central African Republic ensure, in the area of humanitarian aid, that displaced persons should be guaranteed to enjoy at least the main aspects of their economic, social and cultural rights, in particular through basic services such as education, health services and adequate accommodation;[151] that persons exercising their right to return should have access to adequate accommodation and land;[152] and that a coordinated strategy should be implemented without delay to guarantee respect for the human rights of displaced persons.[153]

70. The Independent Expert reiterated her recommendation to establish conditions under which the informed, voluntary, dignified and sustainable return of refugees and displaced persons and their reintegration into their community through the promotion of "living together" would be possible.[154]

71. UNHCR recommended that the Government ensure compliance with its obligations under the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (the Kampala Convention) and promote knowledge of the Convention among all actors concerned, including internally displaced persons, and that it ensure that all relevant public authorities, including armed forces and security forces, are fully informed of their obligations.[155]

6. Stateless persons

72. The Committee on the Rights of the Child welcomed measures promoting birth registration. However, it was concerned about the enduring low rate of registered children and the disparities between urban and rural areas. It recommended making available effective, free birth registration to all children, and reviewing or suspending article 134 of the Family Code in order that children could still be registered, without penalties, after the one-month period that was allowed.[156] The Committee on the Elimination of Discrimination against Women also recommended paying particular attention to registering internally

displaced children, as well as all refugee children of the Central African Republic born in foreign countries.[157]

73. UNHCR noted that in 2017, as a member State of the International Conference on the Great Lakes Region, the country had signed a declaration on the eradication of statelessness. However, UNHCR was concerned that the massive forced displacement inside and outside the country constituted significant risk factors for statelessness. UNHCR recommended that the Central African Republic accede to, and domesticate, the Convention relating to the Status of Stateless Persons, of 1954, and the Convention on the Reduction of Statelessness, of 1961.[158]

Notes

[1] Tables containing information on the scope of international obligations and cooperation with international human rights mechanisms and bodies for the Central African Republic will be available at www.ohchr.org/EN/Countries/AfricaRegion/Pages/CFIndex.aspx.
[2] For relevant recommendations, see A/HRC/25/11, paras. 104.1–104.6, 104.8, 104.11–104.13, 104.15–104.18, 104.20–104.25, 105.1–105.2, 105.4, 105.8–105.11 and 106.1.
[3] See CRC/C/CAF/CO/2, para. 80.
[4] Ibid., para. 81. See also CEDAW/C/CAF/CO/1-5, para. 52.
[5] See CEDAW/C/CAF/CO/1-5, para. 30 (c).
[6] For relevant recommendations, see A/HRC/25/11, paras. 104.7, 104.65, 104.85–104.86, 105.7–105.9, 105.20–105.21, 105.45 and 105.72–105.77.
[7] See CEDAW/C/CAF/CO/1-5, para. 9. See also CEDAW/C/CAF/CO/1-5, para. 7.
[8] See CEDAW/C/CAF/CO/1-5, para. 7. See also CEDAW/C/CAF/CO/1-5, para. 11.
[9] See CEDAW/C/CAF/CO/1-5, para. 11.
[10] See CRC/C/CAF/CO/2, para. 4.
[11] See S/2018/125, para. 2.
[12] See A/HRC/36/64, para. 102.
[13] See CEDAW/C/CAF/CO/1-5, para. 12 (b) and (c).
[14] Ibid., para. 12 (a).
[15] See CRC/C/CAF/CO/2, para. 3.
[16] See E/C.12/CAF/CO/1, para. 3.
[17] See CEDAW/C/CAF/CO/1-5, para. 46 (a).
[18] See CRC/C/CAF/CO/2, para. 7.
[19] Ibid., para. 9. See also para. 13 (b).
[20] Ibid., para. 24.
[21] See E/C.12/CAF/CO/1, para. 18.
[22] See CRC/C/CAF/CO/2, paras. 20–21.
[23] For relevant recommendations, see A/HRC/25/11, paras. 104.8, 104.10, 104.28, 104.32–104.33, 104.45–104.47, 104.53, 104.60, 105.38, 105.40, 105.46–105.47, 105.49–105.51, 105.53–105.56, 105.59, 105.63, 105.71 and 105.78.
[24] See S/2018/125, para. 51.
[25] See A/HRC/36/64, paras. 39 and 53. See also CRC/C/CAF/CO/2, paras. 28–29 and 66 (a).
[26] See S/2018/125, para. 71.
[27] See A/HRC/36/47/Add.1, para. 85.
[28] UNHCR submission for the universal periodic review of the Central African Republic, pp. 1–2.
[29] See A/HRC/36/64, para. 100.
[30] See CEDAW/C/CAF/CO/1-5, para. 16 (b).
[31] For relevant recommendations, see A/HRC/25/11, paras. 104.5, 104.28, 104.30–104.31, 104.34–104.36, 104.47–104.57, 104.59–104.60, 104.63, 104.67–104.71, 105.18, 105.50, 105.54 and 105.56.
[32] See CEDAW/C/CAF/CO/1-5, paras. 15 (e)–16 (b). See also para. 7.
[33] Ibid., paras. 15 (a)–16 (c).
[34] See S/2018/125, paras. 4–5.
[35] Ibid., para. 41.
[36] See CRC/C/CAF/CO/2, para. 3. See also para. 67 (f).
[37] UNHCR submission, p. 2.
[38] See CRC/C/CAF/CO/2, paras. 76–77.
[39] See A/HRC/36/64, para. 106; and www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=22680&LangID=E.
[40] See A/HRC/36/64, para. 106 (d).
[41] See S/2018/125, para. 80.
[42] See CEDAW/C/CAF/CO/1-5, para. 16 (e).

[43] Ibid., para. 20 (c).
[44] See www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=22680&LangID=E; and A/HRC/36/64, para. 106 (l).
[45] See www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=22879&LangID=E.
[46] See A/HRC/36/64, para. 106 (c).
[47] See CEDAW/C/CAF/CO/1-5, para. 7. See also para. 11.
[48] Ibid., para. 11.
[49] See E/C.12/CAF/CO/1, paras. 15–16.
[50] For relevant recommendations, see A/HRC/25/11, paras. 104.7, 104.74, 105.20 and 105.45.
[51] See www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=23056&LangID=E.
[52] See S/2018/125, para. 2.
[53] See A/HRC/36/47/Add.1, para. 95.
[54] See E/C.12/CAF/CO/1, para. 41.
[55] UNESCO submission for the universal periodic review of the Central African Republic, para. 19.
[56] Ibid., para. 17.
[57] Ibid., paras. 17–19.
[58] See CEDAW/C/CAF/CO/1-5, paras. 43–44.
[59] See CRC/C/CAF/CO/2, paras. 74–75.
[60] See E/C.12/CAF/CO/1, para. 30 (c).
[61] See CEDAW/C/CAF/CO/1-5, para. 30 (a).
[62] See CRC/C/CAF/CO/2, para. 71 (a) and (b).
[63] See A/HRC/36/64, para. 74.
[64] See CEDAW/C/CAF/CO/1-5, para. 38.
[65] See E/C.12/CAF/CO/1, para. 7.
[66] See CRC/C/CAF/CO/2, para. 58. See also CEDAW/C/CAF/CO/1-5, para. 41 (a).
[67] See S/2018/125, para. 30. See also CEDAW/C/CAF/CO/1-5, para. 9.
[68] See CEDAW/C/CAF/CO/1-5, para. 42 (a).
[69] See A/HRC/36/64, para. 75.
[70] See S/2018/125, para. 32.
[71] UNHCR submission, pp. 4–5.
[72] For relevant recommendations, see A/HRC/25/11, paras. 104.78–104.82 and 105.42.
[73] See E/C.12/CAF/CO/1, para. 37. See also CEDAW/C/CAF/CO/1-5, para. 39; and CRC/C/CAF/CO/2, para. 56.
[74] See CEDAW/C/CAF/CO/1-5, para. 39.
[75] See S/2018/125, para. 30. See also CEDAW/C/CAF/CO/1-5, para. 39; and CRC/C/CAF/CO/2, para. 54
[76] See E/C.12/CAF/CO/1, para. 38.
[77] For relevant recommendations, see A/HRC/25/11, paras. 104.8, 104.83–104.86 and 104.88–104.91.
[78] UNESCO submission, para. 9. See also CRC/C/CAF/CO/2, para. 62; and CEDAW/C/CAF/CO/1-5, para. 35.
[79] See S/2018/125, para. 30.
[80] UNESCO submission, para. 9. See also CRC/C/CAF/CO/2, para. 63.
[81] UNESCO submission, para. 15.
[82] See E/C.12/CAF/CO/1, para. 39.
[83] UNESCO submission, paras. 15 and 16 (5).
[84] Ibid., para. 16 (5).
[85] Ibid., para. 16.
[86] Ibid., para. 12. See also CRC/C/CAF/CO/2, para. 60.
[87] See E/C.12/CAF/CO/1, para. 39. See also CRC/C/CAF/CO/2, para. 60.
[88] See E/C.12/CAF/CO/1, para. 40. See also CRC/C/CAF/CO/2, para. 61 (a).
[89] UNESCO submission, para. 16 (2).
[90] See CEDAW/C/CAF/CO/1-5, para. 35.
[91] UNESCO submission, para. 16 (4).
[92] Ibid., para. 16 (3).
[93] For relevant recommendations, see A/HRC/25/11, paras. 104.27, 104.36–104.42, 105.12–105.17 and 105.19.
[94] See CEDAW/C/CAF/CO/1-5, para. 15 (b), (c) and (d).
[95] UNHCR submission, pp. 2–3.
[96] See A/HRC/36/64, para. 63.
[97] UNHCR submission, pp. 2–3.
[98] Ibid.
[99] See E/C.12/CAF/CO/1, para. 13.
[100] See CEDAW/C/CAF/CO/1-5, para. 11.

[101] Ibid., para. 16 (a), (b), (d) and (g). See also para. 28 (a) and (b).
[102] UNHCR submission, pp. 2–3.
[103] See CEDAW/C/CAF/CO/1-5, para. 40 (b) and (c).
[104] Ibid., para. 25. See also CRC/C/CAF/CO/2, para. 42.
[105] See CRC/C/CAF/CO/2, para. 54 (b).
[106] See CEDAW/C/CAF/CO/1-5, para. 26 (b).
[107] Ibid., para. 46 (b).
[108] See CEDAW/C/CAF/CO/1-5, para. 28 (d).
[109] Ibid., para. 25.
[110] See A/HRC/36/64, para. 62.
[111] See CEDAW/C/CAF/CO/1-5, para. 26 (d).
[112] See CRC/C/CAF/CO/2, para. 46; and CEDAW/C/CAF/CO/1-5, paras. 25 and 31.
[113] See CEDAW/C/CAF/CO/1-5, para. 31.
[114] See E/C.12/CAF/CO/1, para. 4.
[115] Ibid., paras. 23–24.
[116] For relevant recommendations, see A/HRC/25/11, paras. 105.22–105.37.
[117] See CRC/C/CAF/CO/2, para. 66 (a) and (b). See also CRC/C/CAF/CO/2, para. 28.
[118] UNHCR submission, pp. 3–4.
[119] Contribution of the Office of the Special Representative of the Secretary-General for Children and Armed Conflict to the universal periodic review of the Central African Republic, p. 1.
[120] See CRC/C/CAF/CO/2, para. 29.
[121] Ibid., para. 67 (a), (b), (c) and (d).
[122] Ibid., para. 65 (c).
[123] UNHCR submission, p. 4.
[124] See E/C.12/CAF/CO/1, para. 30.
[125] Contribution of the Office of the Special Representative of the Secretary-General for Children and Armed Conflict, p. 1.
[126] See CRC/C/CAF/CO/2, para. 40 (a) and (d).
[127] See S/2015/576, para. 74.
[128] See CRC/C/CAF/CO/2, para. 41 (c).
[129] Ibid., para. 41 (d) and (e).
[130] Ibid., paras. 44–45.
[131] Ibid., para. 37.
[132] Ibid., para. 73.
[133] Ibid., paras. 38–39 (a).
[134] Ibid., paras. 22 and 42. See also CEDAW/C/CAF/CO/1-5, para. 45 (c).
[135] See CEDAW/C/CAF/CO/1-5, para. 45.
[136] See CRC/C/CAF/CO/2, para. 23.
[137] Ibid., para. 43 (b).
[138] See CEDAW/C/CAF/CO/1-5, para. 46 (c).
[139] See E/C.12/CAF/CO/1, para. 34.
[140] See CRC/C/CAF/CO/2, para. 52; and UNESCO submission, para. 9.
[141] See CRC/C/CAF/CO/2, paras. 52–53 (a).
[142] See E/C.12/CAF/CO/1, para. 19.
[143] Ibid., para. 20.
[144] Ibid., para. 21.
[145] UNESCO submission, para. 14. See also CRC/C/CAF/CO/2, para. 68.
[146] See E/C.12/CAF/CO/1, para. 22.
[147] See CRC/C/CAF/CO/2, para. 69 (c).
[148] For relevant recommendations, see A/HRC/25/11, paras. 104.77 and 104.92–104.93.
[149] See S/2018/125, para. 29. See also CRC/C/CAF/CO/2, paras. 4 and 28.
[150] See CEDAW/C/CAF/CO/1-5, para. 17.
[151] See E/C.12/CAF/CO/1, para. 12 (a).
[152] Ibid., para. 12 (b).
[153] Ibid., para. 12 (c).
[154] See A/HRC/36/64, para. 58. See also CEDAW/C/CAF/CO/1-5, para. 18 (b).
[155] UNHCR submission, p. 4.
[156] See CRC/C/CAF/CO/2, paras. 32–33 (c). See also CEDAW/C/CAF/CO/1-5, para. 33.
[157] See CEDAW/C/CAF/CO/1-5, para. 34 (a) and (b). See also E/C.12/CAF/CO/1, para. 12 (d).
[158] UNHCR submission, p. 5.